

**IN THE U.S. DISTRICT COURT FOR MARYLAND,  
SOUTHERN DIVISION**

BEYOND SYSTEMS, INC. )  
                          )  
Plaintiff             )  
v.                     )                      Case No.PJM 08 cv 0921  
                          )  
WORLD AVENUE USA, LLC, et al. )  
Defendants             )  
\_\_\_\_\_  
                          )

**DEFENDANT WORLD AVENUE USA, LLC'S NOTICE OF SUPPLEMENTAL  
AUTHORITY IN SUPPORT OF MOTION TO COMPEL PRODUCTION OF  
DOCUMENTS RESPONSIVE TO  
FOURTH REQUEST FOR PRODUCTION [DE 271-272]**

Defendant, WORLD AVENUE USA, LLC (“WAUSA”) pursuant to Rule 37 of the Federal Rules of Civil Procedure, hereby submits this Notice of Supplemental Authority relating its Motion to DE 271-272.

WAUSA states that Plaintiff, BEYOND SYSTEMS, INC. (“BSI”) has filed at DE 382 in its Response to Defendant WAUSA’s Motion to Strike Portions of Declaration of Paul A. Wagner at DE 322-1, copies of documents responsive to Defendant WAUSA’s Fourth Request for Production that were never produced to WAUSA. Indeed, BSI objected to the production of these documents and forced briefing of WAUSA’s Motion to Compel Complete Production of Documents Responsive to Fourth Request For Production at DE 271-272, a Response at DE 322, and a Reply Brief at DE 341.

Specifically, the documents filed at DE 382-10 pertaining to one Keivan Khalachi were responsive to WAUSA’s Requests 21, 22, and 23 of WAUSA’s Fourth Request for Production of Documents. The documents filed at DE 382-9, pp. 5-6, and DE 382-8, pp. 18-19 pertaining to the Young Woman’s Christian Home were responsive to Requests 17 and 18 of WAUSA’s

Fourth Request for Production of Documents. The documents filed at DE 382-2 and 382-3 pertaining to St. Luke's House were responsive to Requests 9 and 10 of WAUSA's Fourth Request for Production.

As of this filing, these documents *still* have not been produced to WAUSA. These documents are the subject of voluminous, unwithdrawn objections by BSI. Literally, *hundreds of pages* have been filed with the Court on this Motion. Yet, just seventeen days after WAUSA filed a Motion challenging a Declaration of Paul A. Wagner (*see* DE 342), BSI rapidly cobbled together the same documents to which it objected -- not to produce them -- but to support yet another self-serving Declaration by Paul A. Wagner. See DE 382.

Defendant WAUSA respectfully requests that the Court take note of BSI's foregoing deliberate suppression of evidence in weighing WAUSA's request for sanctions on the Motion to Compel Complete Production of Documents Responsive To Fourth Request for Production of Documents. *See, e.g.*, Fed. R. Civ. P. 37 ("If the motion is granted-or if the disclosure or requested discovery is provided after the motion was filed-the court must, after giving an opportunity to be heard, require the party or deponent whose conduct necessitated the motion, the party or attorney advising that conduct, or both to pay the movant's reasonable expenses incurred in making the motion, including attorneys' fees").

Dated: August 11, 2010.

Respectfully submitted,

*Attorneys for World Avenue USA, LLC*

GREENBERG TRAURIG, LLP

/s John L. McManus

Sanford M. Saunders, Jr., Esq.

USDC, MD #4734

[saunderss@gtlaw.com](mailto:saunderss@gtlaw.com)

Nicoleta Burlacu, Esq.

[BurlacuN@gtlaw.com](mailto:BurlacuN@gtlaw.com)

*Admitted Pro Hac Vice*

GREENBERG TRAURIG, LLP

2101 L Street, NW, Suite 1000

Washington, DC 20037

Telephone: 202-331-3100

Facsimile: 202-331-3101

--and--

Kenneth Horky, Esq.

Florida Bar No. 691194

[horkyk@gtlaw.com](mailto:horkyk@gtlaw.com)

John L. McManus, Esq.

Florida Bar No. 0119423

[mcmanusj@gtlaw.com](mailto:mcmanusj@gtlaw.com)

*Admitted Pro Hac Vice*

GREENBERG TRAURIG, P.A.

401 East Las Olas Boulevard, Suite 2000

Fort Lauderdale, FL 33301

Telephone: 954-765-0500

Facsimile: 954-765-1477